UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,719	04/24/2008	Tomonori Nakamura	2006_1567A	2831

52349   7590   07/06/2009
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EXAMINER
VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
07/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/593,719	NAKAMURA, TOMONORI
	Examiner	Art Unit
	MICHAEL R. VAUGHAN	2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-5* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 and 3-5* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some *   c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **6/15/09** has been entered.

Claim 1 has been amended. Claims 1 and 3-5 remain pending.

Response to Amendment

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

Currently filed amendments overcome the previous 112 rejections.

Response to Arguments

Applicant's arguments with respect to claim 1 has been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over USP 6,487,714 to Azagury et al., hereinafter Azagury in view of USP 6,321,201 to

Dahl.

As per claim 1, Azagury teaches an execution device for executing an application

program created in an object-oriented language, the application program including (i)

one or more classes, each class having one or more methods (col. 4, lines 36-40), and

(ii) confidentiality information that corresponds respectively to each class, that identifies

whether or not it is necessary for each corresponding class to be confidential (col. 6,

lines 1-3), the execution device comprising:

an encryption judgment unit operable to judge whether or not an encryption of

data that is manipulated by a method of the one or more methods is necessary, based

on whether or not it is necessary for the class, to which the method belongs, to be

confidential, such that the encryption judgment unit judges that the encryption of the

data that is manipulated by the method is necessary when the class to which the

method belongs is identified as being confidential by the confidentiality information that

corresponds to the class to which the method belongs, wherein, when the encryption

judgment unit judges that the encryption of the data that is manipulated by the method

is necessary (col. 6, lines 1-9);

      an object recording unit operable to, when the method is to be executed, record,

in a memory, an object that includes the data that is manipulated by the method (col. 4,

lines 54-60); and

      wherein, when the encryption judgment unit judges that the encryption of the

data is necessary, the object recording unit records the object that includes, as the data

that is manipulated by the method, the data that is encrypted according to the

determined encryption method (col. 5, lines 54-55 and col. 6, line 4). Azagury teaches

that the execution device can judge what to do with an object given its method and

class from which it is being operated on. Specifically Azagury mentions that pragmatic

attributes can be applied to particular instance of objects including security and

encryption. Azagury teaches performing these functions on the object is relative to its

method and class. Azagury explicitly teaches encrypting objects but is silent in explicitly

teaching that the confidentiality information includes information indicating a level of

confidentiality of each corresponding class and the encryption judgment unit determines

that an encryption method, which has a security strength that corresponds to the level of

confidentiality of the class to which the method belongs, is to be used to encrypt the

data, and wherein the level of confidentiality of the class to which the method belongs is

indicated by the confidentiality information that corresponds to the class to which the

method belongs. Dahl teaches the above limitation as data objects can be linked to

protection attributes which indicate the strength or degree with which the encryption is

performed (col. 7, lines 54-65). Combining prior art elements according to known

methods to yield predictable results is obvious. Combining the multiple encryption

strengths of Dahl would give the system of Azagury, more control over how encryption

is performed. It is obvious that the same pragmatic attributes of Azagury could not only

specify if encryption is necessary but also what type of encryption strength is

appropriate.

As per claim 3, Azagury teaches overwriting the data included in the object using

other data and when the data included in the object is encrypted, the other data that

overwrites the data is recorded as encrypted data (col. 6, lines 29-35).

As per claim 4, Azagury teaches the object recorded in the memory includes

information indicating whether or not the data included in the object is encrypted, and

when the information indicates that the data included in the object is encrypted, the data

is recorded as encrypted data [attributes; col. 6, line 2].

As per claim 5, Azagury teaches a data judgment unit operable to judge whether

or not the data is data that is necessary for specifying an address location of other data

(col. 5, lines 40-45), wherein when the data judgment unit judges that the data is data

that is necessary for specifying the address location of other data, the encryption is

suppressed.   The data objects have header information and pointers to addresses; it is

obvious not to encrypt the header information but only the data portions. One of

ordinary skill in the art would know that the data found at the address is encrypted, not

the pointer to the data. Encrypting the header information is unnecessary overhead.

Azagury's system is capable of determining whether encryption is necessary or not.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is

(571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am

- 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431